

DRAFT

State and Tribal Government Pesticide Lead Agencies

Dear Colleague:

The purpose of this letter is inform you of the Agency's recent response to the National Alliance of Independent Crop Advisors (NAICC) written request seeking EPA's acknowledgment that the Certified Professional Crop Consultant-Researcher (CPCC-R) Program of the National Alliance of Independent Crop Consultants (NAICC) is an appropriate certification program for the WPS crop-advisor exemption. EPA has reviewed NAICC's CPCC-R Program and concluded that the program includes all of the requirements set forth in EPA's 1996 Guidance, as described below. Therefore, EPA has acknowledged in writing that NAICC's CPCC-R Program is appropriate for the WPS crop-advisor exemption.

In May 1995, EPA amended the Worker Protection Standard (WPS), 40 CFR 170, to exempt certain certified or licensed crop advisors (and persons under their direct supervision) performing crop advising tasks from specific WPS requirements (60 FR 21948, May 3, 1995) (hereinafter referred to as the "WPS crop-advisor exemption"). In order to qualify for the WPS crop-advisor exemption, the crop advisor must be certified or licensed as a crop advisor under a program acknowledged as appropriate in writing by EPA or a State or Tribal lead agency for pesticide enforcement. In 1996 EPA issued a *Guidance to States for Approving and Developing Programs Which Recognize Crop Advisors Qualified for the Worker Protection Standard's Crop-Advisor Exemption*. The Guidance identifies the minimum requirements that EPA expects in any crop advisor certification or license program acknowledged by EPA for the WPS crop-advisor exemption. The Guidance notes that any program acknowledged by EPA, a State or a Tribe must include pesticide safety training that conveys at least all of the information required by the WPS for a pesticide safety training program for handlers, as specified in 40 CFR § 170.230(c)(4). The Guidance also recommends additional requirements to be included in any certification or license program that a State or Tribe acknowledges or develops for the WPS crop-advisor exemption. These additional requirements are as follows:

- a written test for competency;
- a requirement for experience;
- a requirement for continuing education; and
- a specific license/certification renewal period.

In 1996 EPA reviewed the Certified Professional Crop Consultant (CPCC) Program of the National Alliance of Independent Crop Consultants (NAICC) and the Certified Crop Advisor Program (CCA) of the Agronomy Society of America (ASA) and concluded that both programs

included all of the requirements set forth in EPA's 1996 Guidance. Accordingly, EPA acknowledged in writing that NAICC's CPCC Program and ASA's CCA Program are appropriate for the WPS crop-advisor exemption. Recently, EPA reviewed NAICC's Certified Professional Crop Consultant-Researcher (CPCC-R) Program and similarly concluded that the program includes all of the requirements set forth in EPA's 1996 Guidance. Accordingly, EPA has acknowledged in writing that NAICC's CPCC-R Program is appropriate for the WPS crop-advisor exemption (see Attachment).

To date, EPA has acknowledged in writing that NAICC's CPCC Program and CPCC-R Program, as well as ASA's CCA Program are appropriate for the WPS crop-advisor exemption. Accordingly, under EPA's regulations at 40 CFR §§ 170.104 and 170.204, provided that all other specified regulatory requirements are met, an individual certified or licensed as a crop advisor under the NAICC's CPCC Program, NACC's CPCC-R Program, and ASA's CCA Program, and persons under the direct supervision of that certified individual, are exempt from specific WPS requirements while performing crop advising tasks in treated areas.

Sincerely,

Jay Ellenberger, Acting Director  
Field and External Affairs Division

cc: Jim Jones  
Anne Lindsay  
Kevin Keaney